

BEFORE THE NATIONAL GREEN TRIBUNAL, EASTERN ZONE,

KOLKATA

M.A. No. 24 of 2025

IN

ORIGINAL APPLICATION NO. 219 of 2024/EZ

IN THE MATTER OF

Niraj Kumar

....APPELLANT

VERSUS

Dhiraj Kumar & Ors.

.... RESPONDENT

INDEX

Sl no.	Annexure	Particulars	Page no.
1		Counter Affidavit with ID proof of the deponent.	1-6
2.	Annexure-1	A copy of the CTO dated 25.07.2022.	07
3.	Annexure-2	A copy of the CTE dated 27.08.2025.	08-09



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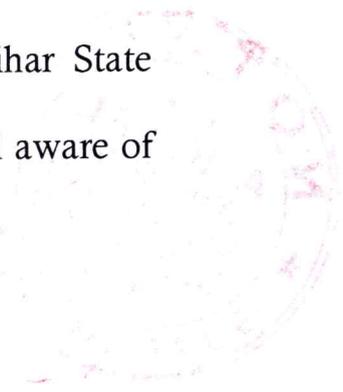
**COUNTER AFFIDAVIT ON BEHALF OF BIHAR STATE
POLLUTION CONTROL BOARD.**

I, Ashish Kumar Gupta, aged about 59 years, Son of Late S.P. Gupta, Resident of – Kankarbagh, P.S.- Patrakar Nagar, District- Patna-800020, do hereby solemnly affirm and state as follows: -

That I am posted as Environmental Engineer in Bihar State Pollution Control Board, Patna and as such I am well aware of

SI No. 1386 Date 4/3/26

Smt. Ashish Mr Gupta who is identified by Advocate. Ashish Gupta. Solemnly affirmed and declared contents of this affidavit apart from this nothing else as atamp/Court fees etc. U/s 3 & Sub rule 4 of 8 rule of N.Act. 1986 before me.



the facts and circumstances of the present matter. I am competent and duly authorized to swear the present affidavit.

2. That I have been duly authorized by the competent authority to swear and file this affidavit before this Hon'ble Tribunal on behalf of the answering respondent.

3. That it is stated that the respondent no. 01 was initially issued a Consent-to-Operate (emission consent order) by the State Board for operating the brick-kiln vide Ref. No. 1437, dated 28.10.2016, situated at Mauza- Karna, Khata No. 94, Khesra No. 225, P.S.- Parbatta, District- Khagaria. In light of the policy decision of the State Board, respondent no. 01 established a brick-kiln based on cleaner technology, but the said brick-kiln was established at a distance of 150 meters from the previous brick kiln at parcel of land bearing Khata No. 120, 104 Khesra No. 231, 233.

4. That instead of obtaining a fresh CTE and CTO for the new brick kiln, Respondent no. 01 obtained renewal of the old CTO by concealing the fact that the new brick-kiln has been established on new parcel of land. Recently, the respondent no. 01 obtained CTE for the new brick-kiln vide State Board ref.

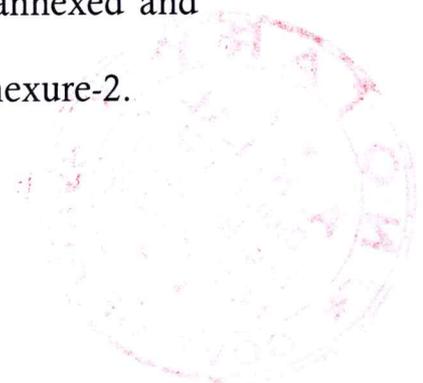


No. 528, dated 27.08.2025, on submission of the Environmental Compensation of Rs. 1,50,000/- (One Lac Fifty Thousand only).

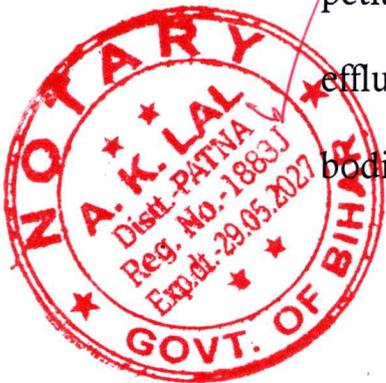
A copy of the CTE dated 27.08.2025 is annexed and marked as Annexure-1.

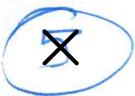
5. That the Unit has already applied for grant of Consent to Operate (CTO) before the State Board, and the said application is presently under consideration. It has further come to the notice of the answering respondent that Environmental Clearance (E.C.) has been taken as one of the prerequisites for obtaining the Consent to Operate.
6. That the application of the petitioner was considered by the State Board and upon finding it to be complete the State Board granted Consent to Operate to the respondent no. 01, contained in Memo No. 790 dated 25.07.2022.

A copy of the CTO dated 25.07.2022 is annexed and marked as Annexure-2.



7. That the primary allegation made by the applicant is that the petitioner has obtained CTO from the State Board for operating the brick-kiln at one site and whereas he is operating the brick-kiln on another site which is situated at a distance of 100 meters from the actual site for which CTO was obtained. Further, due to operation of the brick-kiln by the petitioner the ecosystem of the area has been severely affected and the nearby agricultural fields has been destroyed.
8. That in this regard it is stated that the respondent no. 01 has not established the brick-kiln in the year 2022 and rather has obtained renewal of the CTO application and has been operating the brick-kiln from earlier time. Therefore, the allegation made in paragraph 3 of the original application that the respondent no. 01 after obtaining CTO established the brick-kiln is baseless and not well found.
9. That the petitioner in the original application has made very serious allegation but has not supported the same by evidence or reports and has merely made statements. At para 6 the petitioner has stated that the respondent no. 01 has discharged effluents from the brick-kiln which has polluted the water bodies, however the brick-kiln does not produce any effluent





and therefore it cannot be said that the brick-kiln of the respondent no. 01 is discharging effluent from the brick-kiln.

10. That the State Board will be filing a detailed counter affidavit after carrying a field visit and craves leave of this Hon'ble Tribunal to file a supplementary affidavit in the instant matter bringing on record the site inspection report and action taken report, if required.

11. That I have read the contents of the affidavit and have understood the same and nothing material has been concealed therefrom and the annexures are true copied of its respective

Identify the Deponent's signature/initials who has signed in my presence
original
BR/1520/2019

Ak Gupta
6.03.2026
DEPONENT

VERIFICATION

Verified at Patna on 06th day of March, 2026, that the averments made in the present affidavit are true and correct to the best of my knowledge and information derived from records of the matter and Annexures are true copy of the original, no part of it is false and nothing material has been concealed therefrom.



Ak Gupta
6.03.2026
DEPONENT



E-Aadhaar Letter

नामांकन क्रमांक/Enrolment No.: 1067/02423/03119

Ashish Kumar Gupta (आशीष कुमार गुप्ता)

S/O: Late Saryug Prasad Gupta, kankarbagh, east of collage of commerce, munna chak, Sampatchak, Patna, Bihar - 800020

सूचना

- आधार पहचान का प्रमाण है, नागरिकता का नहीं।
- पहचान का प्रमाण ऑनलाइन ऑथेंटिकेशन द्वारा प्राप्त करें।
- यह एक इलेक्ट्रॉनिक प्रक्रिया द्वारा बना हुआ पत्र है।

आपका आधार क्रमांक/Your Aadhaar No.:

5736 5735 1647



INFORMATION

- Aadhaar is a proof of identity, not of citizenship.
- To establish identity, authenticate online.
- This is electronically generated letter.

AK Gupta
6.03.2016

आधार-आम आदमी का अधिकार

1947
1800 300 1947

help@uidai.gov.in

www.uidai.gov.in

Signature Not Verified
Digitally signed by Sandeep Bhardwaj
Date: 2016.01.12 13:02:49 IST

- आधार: देश भर में मान्य है।
- आधार के लिए आपको एक ही बार नामांकन दर्ज करवाने की आवश्यकता है।
- कृपया अपना नवीनतम मोबाइल नंबर तथा ई-मेल पता दर्ज कराएं। इससे आपको विभिन्न सुविधाएं प्राप्त करने में सहायित होगी।

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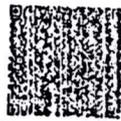
भारत सरकार
GOVERNMENT OF INDIA



भारतीय विशिष्ट पहचान प्राधिकरण
UNIQUE IDENTIFICATION AUTHORITY OF INDIA



आशीष कुमार गुप्ता
Ashish Kumar Gupta
जन्म तिथि/ DOB: 15/01/1966
पुरुष / MALE



पता:

S/O: लेट सरयुग प्रसाद गुप्ता,
कनकरबाग, ईस्ट ऑफ
कॉलेज ऑफ कॉमर्स, मुन्ना
चक, सम्पतचक, पटना,
बिहार - 800020

Address:

S/O: Late Saryug Prasad Gupta,
kankar bagh, east of collage of
commerce, munna chak,
Sampatchak, Patna,
Bihar - 800020

5736 5735 1647

5736 5735 1647

आधार-आम आदमी का अधिकार

Aadhaar-Aam Admi ka Adhikar



Regional Office-Cum-Laboratories

Bihar State Pollution Control Board

Barauni Industrial area, P.O.-Tilrath, Dist.- Begusarai-851122

Email- robarauni01@gmail.com; website: <http://bspcb.bihar.gov.in>

Ref. No. :- ROB(A)1707/19

EMISSION CONSENT ORDER

Barauni, dated:- 25.7.22

With reference to the application no. 6285221 dated 08.07.2022, CTO upto 06.09.2022 issued in application ID 3004543 of M/S D.P.Y. Bricks, Proponent- Sri Dhiraj Kumar, At+P.O.-Lagar, P.S.+Anchal- Parbatta, Distt.- Khagaria- 851216 (Bihar) for CTO under section 21 of the Air (Prevention & Control of Pollution) Act, 1981, he/they is/are granted Consent-to-Operate his/their Brick Kiln (Capacity- 15000 Bricks/Day) plant based on Cleaner Technology with Zig-Zag loading of Green Bricks and Natural Draft (Ht. of Chimney- 135 ft) Mauza- Karna, At- Mahesh Mor, P.O.- Karna, P.S.+Anchal-Parbatta, Distt.- Khagaria (Bihar) for the period upto 30.06.2027 from the date of issue with the following conditions: -

- 1 That, he/they shall not make any alteration, addition, deletion or modification in the plant without the prior clearance from the Board and shall also abide by the obligations under sections 22,23 and 31A of the Air (Prevention & Control of Pollution) Act, 1981 and further shall extend co-operation to the Board in performing its functions entrusted under sections 24,25 and 26 of the Act;
- 2 That, he /they shall comply with the requirements of rule 14 of the Environment (Protection) Rules, 1986; the Hazardous & Other Wastes (Management and Trans-boundary Movement), Rules 2016; the Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 and the Public Liability Insurance Act, 1991, whichever is applicable;
- 3 That, he/they shall monitor his/their emission(s) and the ambient air quality from representative point regularly and shall maintain its quality in conformity with Board's standards (emission of Particulate Matters not exceeding 250mg/Nm³) and shall produce its proof, as and when asked for;
- 4 That, he/they shall submit application for consent again 30 days before the expiration of the period of consent from the same login ID.
- 5 That, the unit shall not excavate soil more than 1.5 meter deep as per the affidavit no. 631, dt. 25.06.2022 submitted to the Board.
- 6 That, the unit shall submit flue gas analysis report to the Board yearly.
- 7 That, coal fines of 10 mm. sizes shall be used and use of coal with more than 35 % ash content shall be avoided. Agro wastes shall be used as fuel as far as possible.
- 8 Top of the kiln shall be covered with a layer of ash followed by fire bricks or tiles for better thermal insulation as well as protection from fugitive dust emission.
- 9 That, area of movement around the kiln including access road shall be paved with bricks to minimize fugitive dust emission during operation of the brick kiln;
- 10 That, tree plantation all around the campus in two (2) rows of evergreen species shall be developed and maintained.
- 11 That, the unit shall submit environmental statement of each financial year by the 30th September of the following year
- 12 That, In the event of any complaint regarding Air/Water/Noise pollution from the unit is observed, you have to shift the unit to a suitable location at your cost.
- 13 The unit shall have a display board near the site stating name of unit/ industry with address/ name of proprietor with address and ref. no. and date of consent with its validity period granted by the Board.

To,

Sri Dhiraj Kumar,
M/S D.P.Y. Bricks,
At+P.O.- Lagar, P.S.+Anchal- Parbatta,
Distt.- Khagaria- 851216 (Bihar)

S.P. Roy
25-7-2022

(S.P. Roy)
Regional Officer

f



Regional Office-Cum-Laboratories

Bihar State Pollution Control Board

Barauni Industrial area, P.O.-Tilrath, Dist.- Begusarai-851112

E-mail- robarauni01@gmail.com, website: http://bspcb.bihar.gov.in

Ref. No.: ROB(A)1707/19/528

Barauni, dated: 27-08-2025

'CONSENT-TO-ESTABLISH' (NOC)

UNDER SECTIONS 25/26 OF THE WATER (PREVENTION AND CONTROL OF POLLUTION) ACT, 1974 AND 21 OF THE AIR (PREVENTION AND CONTROL OF POLLUTION) ACT, 1981

Reference online application no. 10860347, dated: 03.05.2025 of M/s **D.P.Y. Bricks**, Proponent- Sri Dhiraj Kumar, S/o Late Dinkar Prasad Yadav, Resident of A/P.O.- Lagar, P.S.+Block- Parbatta, District- Khagaria- 851216 (Bihar) for establishment of Brick kiln with Cleaner Technology at Khata no.- 120, Kheshra no.- 231, Mauza- Karna, At- Mahesh Let Mor, P.O.- Karna, Block- Patbatta, District- Khagaria- 851216 (Bihar). Total investment in the Brick Kiln plant is ₹30.0 lakh for production capacity of **Bricks- 15,000 Bricks/Day**.

AFTER CONSIDERING:

- (i) The facts stated in their application.
- (ii) Bihar State Pollution Control Board's Notification no. 19, dated: 14.06.2021 and Notification no. 19, dated: 29.08.2022.
- (iii) Provisions of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981.
- (iv) An Affidavit no. 136, dated: 25.04.2025 submitted by proponent to the effect of complying the distance criteria.
- (v) Order dated 05.05.2025, order of hon'ble NGT, EZ in OA. No: -219/2024/EZ.
- (vi) Environmental Compensation of ₹1.5 lakh deposited on date: 05.07.2025 to the Board in OCMMS as per NGT order.
- (vii) Checklist dated: 20.08.2025.

NOC IN FAVOUR OF THE PROPONENT AT THE SAID SITE IS HEREBY ACCORDED SUBJECT TO THE FOLLOWING CONDITIONS:

- (i) That, the unit shall obtain the environment clearance (EC) for soil mining duly issued by the SEIAA, Bihar prior to operation of the brick kiln;
- (ii) The proponent shall obtain 'Consent-to-Operate' under Sections 25 & 26 of the Water Act, 1974 and Section 21 of the Air Act, 1981 prior to operation of the brick kiln from this Board and submit copy of the EC with application;
- (iii) The proponent shall follow the sitting criteria of brick kiln of this Board with respect to the minimum distance of Habitation, School, Court of law, Railway line, River, National/State highways and inter-distance of brick kiln;
- (iv) That, Bihar State Pollution Control Board reserves the option to revise or add other conditions, if necessary, for protection of Environment in general and for Pollution Control in particular;
- (v) The kiln shall follow cleaner technology with zig-zag loading of green bricks;
- (vi) The minimum height of stack attached to the brick kiln shall not be less than 27 meters with gravitation settling chamber;
- (vii) All the moving area around the main brick kiln should be paved with the bricks to minimise the fugitive emissions from the brick kiln operation;

(P.T.O.)



- (viii) The proponent shall ensure that fine dust should not be accumulated all around the brick kiln;
- (ix) The Stack emissions shall conform to the standards prescribed (emission of particulate matter $< 250 \text{ mg/Nm}^3$);
- (x) Coal fines of 10 mm. size shall be used and use of coal with more than 35% ash content shall be avoided;
- (xi) Top of the kiln shall be covered with a layer of ash followed by fire bricks or tiles for better thermal insulation, as well as for protecting the ash from spreading by winds;
- (xii) Agro-wastes shall be used as fuel as far as possible;
- (xiii) Port hole of 10 cm. Diameter with industrial flange and cap between at least two stack diameter length below stack exit and at least eight stack diameter length above last obstruction shall be constructed. A platform of 1meter \times 1.5meter area (for supporting 3 persons and 90 kg equipment) shall be provided just one meter below the porthole. A suitable ladder shall also be provided;
- (xiv) Plantation, at least in two meters width, shall be done around the brick Kiln unit and maintained properly;
- (xv) In the event of any complaint regarding Air/Water/Noise pollution from the unit is observed, you have to shift the unit to a suitable location at your cost; and
- (xvi) The unit shall have a display board near the site stating name of unit/Industry with address/name of proprietor with address, ref. memo no. and date of consent with its validity period granted by the Board.

NOTE:

1. Bihar State Pollution Control Board reserves the option to revise or add other conditions, if necessary, for protection of Environment in general and for Pollution Control in particular;
2. The present NOC should not be construed as an assurance for the grant of 'Consent-to-Operate' the proposed plant but shall be subject to compliance of all the conditions indicated above;
3. That, this consent order is granted, subject to the condition that in the event of any information/documents submitted by the proponent are found false or misleading at any stage, the consent order granted, shall be revoked and legal action shall be initiated;
4. The issuance of this consent does not convey any property rights in either real or personal property or any exclusive privileges, nor does it authorise any invasion of personal rights, nor any infringement of Central, State or local laws or regulations; and
5. License required from other Department/Agencies have to be obtained by the unit separately and have to comply separately as per there Act/Rules.

To,

Sri Dhiraj Kumar, S/o Late Dinkar Prasad Yadav,
M/s D.P.Y. Bricks,
At+P.O.- Lagar, P.S.+Block- Parbatta,
District- Khagaria- 851216 (Bihar)

S.P. Roy
27.8.2025
(S.P. Roy)
Regional Officer

Head Office: Patliputra Industrial Area, P.O.- Sadakat Ashram, District- Patna- 800010

E-mail: msbspcb-bih@gov.in